

U.S. Pat. App. Ser. No. 10/733,847  
Docket No. 036754/0124079  
Response to 2/22/2007 Office Action

### REMARKS

Claims 11-30 are pending in the application. In the Office Action mailed February 22, 2007, the Examiner has required that the Applicants elect one of four patentably distinct species, to which claims 11-19, 25, 29, and 30 are generic:

Species (1) (Claim 20);

Species (2) (Claims 21, 22, and 26-28);

Species (3)(Claim 23); and

Species (4) (Claim 24).

The Examiner has further required that, if Species (2) is elected, the Applicants elect between the following two species of the step of mismatch recognition and cleavage, to which claims 11-21, 23-26, and 30 are generic:

Species (5) (performed by a resolvase or a single-stranded nuclease- Claims 22, 27, and 28); and

Species (6) (performed by a combination of a mismatch binding protein and a nuclease- Claims 22, 27, and 28).

### I. Election

As required under 35 U.S.C. 121, the Applicants elect, without traverse, to prosecute Species (2) on the merits, with the expectation that all nonelected species (claims 20, 23, and 24) will be examined if a generic claim is found allowable. The Applicants further elect, without traverse, to prosecute Species (6) on the merits, with the expectation that all nonelected species (claims 22 (wherein the step of mismatch recognition and cleavage is performed by a resolvase or a single-stranded nuclease), 27 (wherein the step of mismatch recognition and cleavage is performed by a resolvase or a single-stranded nuclease), and 28) will be examined if a generic claim is found allowable. The elected claims are therefore claims 11-19, 21, 22 (wherein the step of mismatch recognition and cleavage is performed by a combination of a mismatch binding protein and a nuclease), 26, 27 (wherein the step of mismatch recognition and cleavage is performed by a combination of a mismatch binding protein and a nuclease), and 29. The Applicants further expressly reserve the right to prosecute the nonelected groups, previously cancelled from the application, and the nonelected species in one or more subsequent divisional or continuation applications.

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## **II. Change of Attorney Docket Number**

The Attorney Docket Number for this application has been changed to 056754/0124079. The Applicants respectfully request that the record be changed to reflect the new docket number.

## **III. Conclusion**

Claims 11-19, 21, 22 (wherein the step of mismatch recognition and cleavage is performed by a combination of a mismatch binding protein and a nuclease), 26, 27 (wherein the step of mismatch recognition and cleavage is performed by a combination of a mismatch binding protein and a nuclease), and 29 been elected for prosecution on the merits. All of claims 11-30 remain pending in the application, with the expectation that the nonelected species will be examined if a generic claim is allowed. Should there remain any unresolved issues, it is respectfully requested that the Examiner telephone Norma E. Henderson, Applicant's Attorney, at 603-437-4400, so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,



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Date

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